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STATE OF WASHINGTON
GAMBLING COMMISSION
GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension or Revocation of the)
License to Conduct Gambling Activities of:)

Tawn N. Saechau,
Seattle, Washington,)

Class III Employee.)
_____)

NO. CR 2008-01767

SETTLEMENT ORDER

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MAY 18 2009

GAMBLING COMMISSION
COMM & LEGAL DIVISION

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5/14/09

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, Tawn N. Saechau. H. Bruce Marvin, Assistant Attorney General, and Melinda A. Froud, Staff Attorney represent the Gambling Commission. Tawn Saechau is represented by David Malone, of Miller, Malone and Tellefson P.S. Inc.

I.

The Washington State Gambling Commission issued Tawn N. Saechau the following Class III Certification:

Number 69-23788, Authorizing Class III Employee Activity for the Muckleshoot Tribe.

This certification¹ expires on September 12, 2009, and was issued subject to the certified employee's compliance with state gambling laws and regulations.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Muckleshoot Tribal-State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the certified employee on December 8, 2008. The certified employee received the Notice, and on December 23, 2008, Commission staff received Ms. Saechau's request for a hearing.

III.

The following facts and violations were alleged in the Notice of Administrative Charges:

- 1) On July 14, 2008, a Gambling Commission Special Agent (agent) received information from the Muckleshoot Tribal Gaming Agency (TGA) about the suspension of Tawn N. Saechau's Tribal Gaming License.

¹ Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

- 2) The agent reviewed the information provided by the TGA and the Incident Report, surveillance videos, and supporting documents that illustrate the following:
- On May 14, 2008, a patron at the Muckleshoot casino lost \$200. An employee of the casino found the money and turned it in to the lost and found.
 - The Muckleshoot Casino staff reviewed surveillance tapes and identified the female patron who lost the \$200. A picture of the female patron was available to casino staff.
 - On May 17, 2008, Charles Williams, a Pit Manager, approached a Class III employee named Valy Vongkoth and they discussed collecting the \$200 in the lost and found.
 - Mr. Williams told Ms. Vongkoth that she looked like the picture of the female patron who lost the \$200 and suggested that they split the money "50-50." Ms. Vongkoth told Mr. Williams that she would give him \$50.
 - Ms. Vongkoth did not remember losing \$200 but thought that the picture of the female patron looked like her.
 - On May 18, 2008, Tawn Saechau² accompanied Ms. Vongkoth to a Security Podium in Casino 2³ where Ms. Vongkoth claimed the \$200 from the lost and found.
 - Later that day, Ms. Vongkoth gave \$50 each to Mr. Williams and Ms. Saechau.
 - On May 20, 2008, a Muckleshoot Tribal Gaming Agency Agent interviewed Ms. Saechau, who admitted the following:
 - a. Ms. Vongkoth told her she did not remember losing the \$200 and was not sure if the money was hers.
 - b. She knew that the \$200 did not belong to Ms. Vongkoth.
 - c. She saw the picture of the female patron who lost the money, but was not sure that it was Ms. Vongkoth.
 - d. She received \$50 from Ms. Vongkoth.
 - e. She had a gambling problem and wanted the \$50 to gamble.
 - On May 19 and 20, 2008, a Muckleshoot Tribal Gaming Agency Agent interviewed Ms. Vongkoth. During these interviews, Ms. Vongkoth admitted that the \$200 did not belong to her. Ms. Vongkoth also admitted that Ms. Saechau knew the money did not belong to her prior to claiming the \$200 and that she gave Mr. Williams and Ms. Saechau each \$50.
 - On June 5, 2008, the Muckleshoot Gaming Commission suspended Tawn Saechau's Tribal Gaming license. On June 23, 2008, the Muckleshoot Gaming Commission reinstated Ms. Saechau's Tribal Gaming license.
- 3) On September 8, 2008, the agent forwarded a case report to the King County Prosecutor for possible criminal charges.

² Ms. Saechau is the girlfriend of Charles Williams.

³ The Muckleshoot Tribe has two buildings known as Casino 1 and Casino 2.

- 4) Ms. Saechau conspired with Ms. Vonkoth to claim \$200 from the lost and found that did not belong to either one of them. Ms. Saechau received \$50 from the \$200 claimed by Ms. Vongkoth. These actions constitute fraud or deceit under RCW 9.46.190.
- 5) By failing to report to Casino staff and Commission staff that Valy Vongkoth claimed the \$200 that did not belong to her, Ms. Saechau violated RCW 9.46.153(3).
- 6) Ms. Saechau violated RCW 9.46.185 and RCW 9.46.190 and is not qualified for certification under RCW 9.46.153(1) and (3). Therefore, grounds exist to revoke Tawn Seachau's Class III certification under RCW 9.46.075(1), (2), (8), and (10), and WAC 230-03-085(1) and (8), and Section V(C) of the Muckleshoot Tribal-State Compact.

VIOLATIONS:

Muckleshoot Tribal-State Compact

Section V(C) provides that the State Gaming Agency⁴ may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, or for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

RCW 9.46.075 Denial, suspension, or revocation of license, permit.

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the Commission.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical

⁴ Washington State Gambling Commission, as referred to in the Muckleshoot Tribal/State Compact, Section II(U).

to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

RCW 9.46.185 Causing person to violate rule or regulation.

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

RCW 9.46.190 Violations relating to fraud or deceit.

Any person, association, or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153 Applicants and licensees- Responsibilities and duties-Waiver of liability - Investigation statement as privileged.

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

(3) All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the commission shall have a duty to inform the commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as

demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

IV.

The Commission affirmatively withdraws administrative charges alleging violation of the following provisions: RCW 9.46.075(2), RCW 9.46.185, and RCW 9.46.190(1).

The remaining charges specified above constitute grounds for revocation of the Class III certification issued to Tawn Saechau to conduct authorized gambling activities under the authority of the Muckleshoot Tribal-State Compact, RCW 9.46.075, and WAC 230-03-085.

V.

Tawn Saechau requested a hearing in this matter, but has waived her right to a hearing based on the terms and conditions of this Settlement Order. While not admitting to the facts and violations specified above in section III, Tawn Saechau agrees that if the Gambling Commission established the alleged facts in the case at issue, there would be sufficient evidence of the violations as stated in the administrative charges. The parties further agree to the following:

1) The Commission affirmatively withdraws administrative charges alleging violation of the following provisions: RCW 9.46.075(2), RCW 9.46.185 and RCW 9.46.190(1).

2) Tawn Saechau agrees to a six-month suspension of her Class III certification, which shall start on July 1, 2009, and shall continue through December 31, 2009. Ms. Saechau may resume her employment and conduct authorized gambling activities on January 1, 2010, so long as she is properly certified or licensed.⁵

3) Ms. Saechau will be subject to all the Commission's investigative procedures for processing a renewal of her certification or gambling license. Nothing herein shall prevent the Commission taking any action against Ms. Saechau's certification or license based on facts that may be currently known or unknown by Commission legal staff. Furthermore, no promises or assurances have been made to Ms. Saechau that she will receive a certification or license from the Commission should she apply.

4) Ms. Saechau shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity.

5) Ms. Saechau's suspension does not prevent her from working in any Class II gaming activity, or in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

⁵ Ms. Saechau's renewal notice is scheduled to be sent to the Muckleshoot Tribe in mid-July. If the renewal form is returned to Commission staff with the required signatures and the proper fee prior to the expiration date, Ms. Saechau's Class III Certification will not lapse during her suspension period. If Ms. Saechau's certification is not timely renewed, she will not receive a new license until after her suspension period is served.

6) The signed Settlement Order must be received by Commission staff on or before May 18, 2009, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

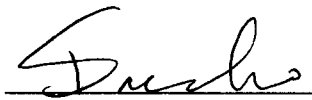
Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

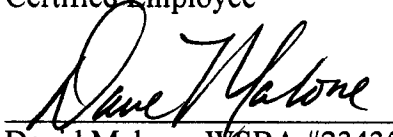
DATED this 3rd day of June, 2009.


Administrative Law Judge

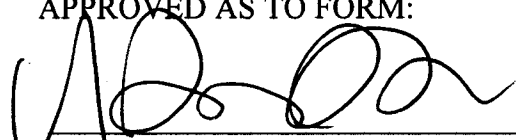
By her signature, the Class III employee
understands and accepts the terms
and conditions of this Order


APPROVED FOR ENTRY:

 5/14/09
Tawn Saechau Date
Certified Employee

 5/14/09
David Malone, WSBA #23435
Miller, Malone, and Tellefson P.S. Inc.
Representing Tawn Saechau

APPROVED AS TO FORM:


H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission


Melinda A. Froud, WSBA# 26792
Lead Staff Attorney,
Washington State Gambling Commission